

304.38-050 Evidence of coverages and charges for health care service -- Exception.

- (1) No health maintenance organization shall deliver or issue for delivery in this state any contract describing health benefits available, or any endorsement, rider, or application which becomes a part thereof, or any amendments thereto or modifications thereof, or the schedule of fees or other periodic charges to be paid by enrollees, until a copy of the form has been filed with and approved by the executive director. Each form shall contain a complete and clear statement of:
 - (a) The health care services to which the enrollee is entitled;
 - (b) Any limitations on the services, kind of services, or benefits to be provided, including any deductible or copayment feature;
 - (c) Where and in what manner information is available as to how services may be obtained; and
 - (d) Any other provisions pertaining to the delivery of health care services.

Any schedule of fees or other periodic charges to be paid by enrollees submitted to and filed with the executive director along with adequate supporting information to show that the charges or fees are not excessive, inadequate, or unfairly discriminatory.

- (2) At the expiration of sixty (60) days, the form so filed shall be deemed approved unless prior thereto it has been affirmatively approved or disapproved by order of the executive director, or a hearing has been scheduled by order of the executive director. In the event that a hearing is held, the sixty (60) day waiting period shall begin anew after the close of the hearing. Approval of the form by the executive director shall constitute a waiver of any unexpired portion of the waiting period. The executive director may extend by not more than an additional thirty (30) day period within which he may affirmatively approve or disapprove the form by giving notice to the insurer of the extension before expiration of the initial sixty (60) day period. At the expiration of the period as so extended, and in the absence of the prior affirmative approval or disapproval, the form shall be deemed approved. The executive director may at any time withdraw the approval.
- (3) This section shall not apply to rate filings made under Subtitle 17A of this chapter.

Effective: April 10, 1998

History: Amended 1998 Ky. Acts ch. 496, sec. 52, effective April 10, 1998. -- Amended 1994 Ky. Acts ch. 93, sec. 18, effective July 15, 1994. -- Amended 1982 Ky. Acts ch. 320, sec. 39, effective July 15, 1982. -- Created 1974 Ky. Acts ch. 357, subtit. 38, sec. 5, effective June 21, 1974.

Legislative Research Commission Note (6/20/2005). 2005 Ky. Acts chs. 11, 85, 95, 97, 98, 99, 123, and 181 instruct the Reviser of Statutes to correct statutory references to agencies and officers whose names have been changed in 2005 legislation confirming the reorganization of the executive branch. Such a correction has been made in this section.